

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
89-17, AS AMENDED; TO REPEAL ORDINANCE 2001-050
WHICH AMENDED THE TRANSPORTATION ELEMENT (TO ADD
LANGUAGE IN POLICY 1.2-D ALLOWING A LOWER TRAFFIC
LEVEL OF SERVICE FOR A SEGMENT OF STATE ROAD 7 IN
ORDER TO FACILITATE CONSTRUCTION OF A HIGH
SCHOOL); AND AMENDED ALL ELEMENTS AS NECESSARY;
PROVIDING FOR REPEAL OF LAWS IN CONFLICT;
PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
PROVIDING FOR AN EFFECTIVE DATE

16 WHEREAS, on August 31, 1989, the Palm Beach County Board of
17 County Commissioners adopted the 1989 Comprehensive Plan by Ordinance
18 No. 89-17; and

19 WHEREAS, the Palm Beach County Board of County Commissioners
20 amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
21 II, Florida Statutes; and

22 WHEREAS, the Palm Beach County Board of County Commissioners
23 adopted an amendment to the Transportation Element on August 27, 2001
24 in Ordinance 2001-050;

25 WHEREAS, the Department of Community Affairs issued a Notice of
26 Intent to Find in Compliance all amendments in Amendment Round 01-1,
27 including Ordinance 2001-050, on October 22, 2001. Within the 21 day
28 appeal period following the Notice of Intent to Find in Compliance, a
29 petition was filed to challenge the amendment and the ordinance has
30 not gone into effect;

31 WHEREAS, Palm Beach County has determined that the amendment is
32 not necessary and that Ordinance 2001-050 should be repealed.

33 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
34 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

35 Part I. Amendments to the 1989 Comprehensive Plan

36 Amendments to the text of the Transportation Element (to add
37 language in Policy 1.2-D allowing a lower traffic level of service for
38 a segment of State Road 7 in order to facilitate construction of a
39 high school), as contained in Ordinance 2001-050 (as shown in the
40 Exhibit) are repealed.

41 Part II. Repeal of Laws in Conflict

42 All local laws and ordinances applying to the unincorporated area
43 of Palm Beach County in conflict with any provision of this ordinance

1. are hereby repealed to the extent of such conflict.

2. Part III. Severability

3. If any section, paragraph, sentence, clause, phrase, or word of
4. this Ordinance is for any reason held by the Court to be
5. unconstitutional, inoperative or void, such holding shall not affect
6. the remainder of this Ordinance.

7. Part IV. Inclusion in the 1989 Comprehensive Plan

8. The provision of this Ordinance shall become and be made a part
9. of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
10. Ordinance may be renumbered or relettered to accomplish such, and the
11. word "ordinance" may be changed to "section," "article," or any other
12. appropriate word.

13. Part V. Effective Date

14. This ordinance shall be effective upon filing with the Department
15. of State.

16. APPROVED AND ADOPTED by the Board of County Commissioners of
17. Palm Beach County, on the 26 day of February, 2002.

18. ATTEST:
19. DOROTHY H. WILKEN, Clerk, PALM BEACH COUNTY, FLORIDA,
20. ITS BOARD OF COUNTY COMMISSIONERS

21. By: Dorothy C. Heck Warren H. Newell, Chairman
22. Deputy Clerk Warren H. Newell, Chairman

23. APPROVED AS TO FORM AND LEGAL SUFFICIENCY
24. W.H. Newell

25. COUNTY ATTORNEY
26. W.H. Newell

27. Filed with the Department of State on the 8th day of
28. March, 2002

EXHIBIT

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ORDINANCE NO. 2001 - 050

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS
OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989
COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO.
89-17, AS AMENDED; AMENDING THE TRANSPORTATION
ELEMENT (TO ADD LANGUAGE IN POLICY 1.2-D ALLOWING
A LOWER TRAFFIC LEVEL OF SERVICE FOR A SEGMENT OF
STATE ROAD 7 IN ORDER TO FACILITATE CONSTRUCTION
OF A HIGH SCHOOL); AND AMENDING ALL ELEMENTS AS
NECESSARY; PROVIDING FOR REPEAL OF LAWS IN
CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING
FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of
County Commissioners adopted the 1989 Comprehensive Plan by Ordinance
No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners
amends the 1989 Comprehensive Plan as provided by Chapter 163, Part
II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have
initiated amendments to several elements of the Comprehensive Plan in
order to promote the health, safety and welfare of the public of Palm
Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted
its public hearings on February 2, 9, 23 and March 9, 2001 to review
the proposed amendments to the Palm Beach County Comprehensive Plan
and made recommendations regarding the proposed amendments to the Palm
Beach County Board of County Commissioners pursuant to Chapter 163,
Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as
the governing body of Palm Beach County, conducted a public hearing
pursuant to Chapter 163, Part II, Florida Statutes, on March 26 and
April 10, 2001 to review the recommendations of the Local Planning
Agency, whereupon the Board of County Commissioners authorized
transmittal of proposed amendments to the Department of Community
Affairs for review and comment pursuant to Chapter 163, Part II,
Florida Statutes; and

WHEREAS, Palm Beach County received on July 1, 2001 the
Department of Community Affairs "Objections, Recommendations, and
Comments Report," dated June 29, 2001 which was the Department's
written review of the proposed Comprehensive Plan amendments; and

1 WHEREAS, the written comments submitted by the Department of
2 Community Affairs contained no objections to the amendments contained
3 in this ordinance;

4 WHEREAS, on August 27, 2001 the Palm Beach County Board of County
5 Commissioners held a public hearing to review the written comments
6 submitted by the Department of Community Affairs and to consider
7 adoption of the amendments; and

8 WHEREAS, the Palm Beach County Board of County Commissioners has
9 determined that the amendments comply with all requirements of the
10 Local Government Comprehensive Planning and Land Development
11 Regulations Act.

12 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
13 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

14 Part I. Amendments to the 1989 Comprehensive Plan

15 Amendments to the text of the following Element of the 1989
16 Comprehensive Plan are hereby adopted and attached to this Ordinance
17 in Exhibit 1:

18 A. Transportation Element, to add language in Policy 1.2-d
19 allowing a lower traffic level of service for a segment of
20 State Road 7 in order to facilitate construction of a high
21 school; and

22 B. Amending all elements as necessary for internal
23 consistency.

24 Part II. Repeal of Laws in Conflict

25 All local laws and ordinances applying to the unincorporated area
26 of Palm Beach County in conflict with any provision of this ordinance
27 are hereby repealed to the extent of such conflict.

28 Part III. Severability

29 If any section, paragraph, sentence, clause, phrase, or word of
30 this Ordinance is for any reason held by the Court to be
31 unconstitutional, inoperative or void, such holding shall not affect
32 the remainder of this Ordinance.

33 Part IV. Inclusion in the 1989 Comprehensive Plan

34 The provision of this Ordinance shall become and be made a part
35 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
36 Ordinance may be renumbered or relettered to accomplish such, and the

word "ordinance" may be changed to "section," "article," or any other appropriate word.

Part V. Effective Date

The effective date of this plan amendment shall be the date a final order is issued by the Department of Community Affairs or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolutions shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard

Tallahassee, Florida 32399-2100.

APPROVED AND ADOPTED by the Board of County Commissioners of

Palm Beach County, on the 27 day of August, 2001.

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

Deputy Clerk Warren H.
AS TO FORM AND LEGAL SUFFICIENCY

COUNTY ATTORNEY

EXHIBIT 1

A. Transportation Element, Greenacres/Wellington School Traffic LOS

REVISIONS: To add language in Policy 1.2-d allowing a lower traffic level of service for a segment of State Road 7 in order to facilitate construction of a high school. The added text is shown in underlined.

Policy 1.2-d: The Board of County Commissioners finds that under certain limited circumstances dealing with transportation facilities, countervailing planning and public policy goals may come into conflict with the requirement that adequate public facilities be available concurrent with the impacts of such development. The Board of County Commissioners further finds that under certain circumstances, an interim level of service standard for a specific roadway is appropriate. Consequently, this policy provides for an interim transportation facilities level of service standard for certain purposes, roadways, and time frames:

- 1) For the public purpose of allowing educational facilities (public school) to be constructed in the vicinity of Woolbright Road and El Clair Ranch Road, the level of service standard on Woolbright Road between El Clair Ranch Road and Military Trail shall be:
 - a) LOS F for Test One and LOS F for Alternate Test One. The level of service standard volume shall be 19,100 on an ADT basis for Test One, 1,800 on a peak hour basis (two-way) for Test One, and 1,220 on a peak hour, peak season, peak direction basis for Alternate Test One. This lower level of service shall pertain only to evaluating the traffic impacts of public schools. When Woolbright Road is widened to 4/5 lanes, the adopted level of service shall revert to those identified in Policy 1.1-b.
- 2) To allow for the construction of a new high school at the intersection of Forest Hill Boulevard and Lyons Road, the level of service standard on State Road 7 from Southern Boulevard to Forest Hill Boulevard shall be LOS F for Test One. The level of service standard volume for State Road 7 from Southern Boulevard to Forest Hill Boulevard shall be 59,049 on an ADT basis for Test One and 5,429 on a peak hour basis (two-way) for Test One. This lower level of service shall pertain only to evaluating the traffic impacts of public schools and shall no longer be in effect after construction commences for the widening of State Road 7 from Southern Boulevard to Forest Hill Boulevard from a 6-lane roadway to an 8-lane roadway. After construction of additional lanes of State Road 7 commences, the level of service standards for Test One shall be the appropriate threshold volume for LOS D for an 8-lane roadway.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on February 26, 2002.
DATED at West Palm Beach, FL on 4/1/02.
DOROTHY H. WILKEN, Clerk
By: Dorothy Wilken D.C.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 22, 2001.
DATED at West Palm Beach, FL on 9/20/01.
DOROTHY H. WILKEN, Clerk
By: Dorothy Wilken D.C.